IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.122 OF 2006
IN
FAMILY COURT APPEAL NO. 40 OF 2004

Ms.Geeta Satyaprakash Pandey ..Applicant

Vs.

Satyaprakash Abhayraj Pandey ..Respondent

Mr.K.H.Giri Advocate for applicant
Mr.M.R.Deshpande Advocate for respondent

CORAM: SMT.RANJANA DESAI &
SMT.V.K.TAHILRAMANI,JJ.

DATE : SEPTEMBER 7, 2006

P.C.

1. Heard the learned counsel for the parties. For the reasons stated in the civil application, we set aside the order of dismissal of Family Court Appeal 40 of 2004 and restore the same to the file.

2. The learned counsel for the respondent-husband states that after the appeal was dismissed by this Court, the respondent has re-married. We keep all

contentions of both the parties open to be decided at the final hearing of the Family Court appeal. So far as the amount of maintenance deposited by the respondent-husband in the Family Court at Mumbai is concerned, if any order restraining the applicant from withdrawing the same is there, it stands vacated. Applicant-wife will be at liberty to withdraw the same without furnishing any security.

3. Liberty to apply for fixing early date of hearing of the appeal is granted to the parties.

4. Office is directed to call for record and proceedings from the trial Court.

5. Civil application is disposed of in the aforestated terms.

[SMT.RANJANA DESAI, J.]

[SMT.V.K.TAHILRAMANI,J.]